



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,547	12/16/1999	NOSAKHARE D. OMOIGUI	MS1-364US	9005

22801 7590 05/26/2004

LEE & HAYES PLLC  
421 W RIVERSIDE AVENUE SUITE 500  
SPOKANE, WA 99201

EXAMINER
----------

LIM, KRISNA

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 05/26/2004 , 14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/465,547

**Applicant(s)**

OMOIGUI, NOSAKHARE D.

**Examiner**

Krisna Lim

**Art Unit**

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/02/04.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22-38 and 40-92 is/are pending in the application.
- 4a) Of the above claim(s) 1-20, 40-45 and 55-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-34, 46-53 and 77-92 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2153

- I. Applicant's election with traverse of invention IV (claims 22-38, 46-54, 60 and 77-92 in Paper No. 13 (filed 3/2/04) is acknowledged. The traversal is on the ground(s) that: Reason 1) untimely file (see pages 33- 24 of the applicant's remark); Reason 2) No Prima Facie Evidence to Carry "Serous Burden" (see pages 35-36 of the applicant's remark; Reason 3) Without Carrying Its "Serious Burden" Office Must Examine Entire Application (see page 36 of the applicant's remark); Reason 4) Unduly Burdensome on Applicant (see pages 36-37 of the applicant's remark) and Reason 5) Increase Burden on Office (see page 37 of applicant's remark). This is not found persuasive because:

a) in response the reason 1 above, according to 37 C.F.R.

§ 1.142(a) **at any time before final action** in the case of the discretion of the examiner, the requirement for restriction will be made. This application is not under final action yet; therefore the restriction requirement is proper. In addition, **claims 22-38, 46-54, 60 and 77-92, drawn to an apparatus and a method comprising: a) receiving information identifying a live presentation; and b) making the information available for searching only during a duration of the live presentation.** And, claims 22-38, 46-54, 60 and 77-92 lack of: a) a search server; b) an encoder; c) a client computer, wherein a search server configured to 1) determine whether the currently available live presentation from the encoder matches the search criteria; 2) transmit an identifier of the encoder to the client computer if the currently available live presentation matches the search criteria as in claims 1-7, 58, 61, 75-76, d) the search server is further configured to: 1) maintain a record of user search request; and 2) notifying the corresponding user when a new live presentation becomes available that satisfies a search request as in claim 8, e) sending, to a search server, information identifying a live presentation; f) identifying, to the search server, when the live presentation is no longer available via the network as in claims 9-20, 59, 62-74, g) identifying topic information corresponding to live content; and h) transmitting the topic information to a server to make the topic information

available for searching as in claims 40-45, l) identifying a set of search criteria to be compared to information describing a plurality of live presentation; j) transmitting the set of search criteria to a server; and c) receiving a list of live presentation currently in progress that match the search criteria as in claims 55-57.

b) In response to the reasons 2-5 above, as indicated in the previous restriction requirement, those claims are independent and there is a serious burden on the examiner (see pages 2-7 of the restriction requirement) to examine all claims in one application. And, the previous office action clearly shown that those inventions are distinct and there is a serious burden for the Examiner to examine all claims in one application.

**The requirement is still deemed proper and is therefore made FINAL.**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-34, 46-54 and 77-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Intel Internet Presentation Software [5 pages of Frequently Asked question about RealPresenter, hereinafter RealPresenter] (release in 1999, reviewed and reported by Hiroyuki-Et-OH on 12/7/1999).

4. RealPresenter disclosed the invention substantially as claimed. Taking claims 22 and 32 as exemplary claims, the reference disclosed a method comprising:

a) receiving information identifying a live presentation ("take questions from audience member during broadcast" on page 2);

b) making the information available (share information, see pages 2-3) only during a duration of the live presentation.

5. While RealPresenter disclosed that the share information (presentation) can be published, reviewed, edited, broadcasted, watched, etc., RealPresenter, however, did not explicitly detail that the presentations can be searched during a duration of the live presentation. It would have been obvious to one of ordinary skilled in the art to recognize that by publishing the presentations to the corporate intranet and broadcasting the presentation live to up to 15 people and saving the broadcast for on-demand viewing, the feature of searching would have been obvious in the feature of on-demand viewing because in order to view the presentation on-demean the search must be done.

6. As to the claim 23, RealPresenter disclosed the feature of a live presentation scheduled to occur in the future (notifying audience of upcoming broadcasts, see page 2).

7. As to the claim 24, RealPresenter disclosed the feature of receiving information identifying a currently available live presentation (take questions from audience member during broadcast, broadcast presentation live to up to 15 people, see page 2).

8. As to the claim 25, RealPresenter disclosed the feature of receiving information identifying a plurality of live presentation (take questions from audience member during broadcast, broadcast presentation live to up to 15 people, see page 2).

9. As to claims 28 and 31, RealPresenter did not explicitly mention an encoder, however, the encoder has been known as either a program, a circuit or algorithm which encodes. Example as a program usages: "MPEG encoder", "NTSC encoder", "RealAudio encoder" or as a hardware usage: a sensor or transducer for converting rotary motion or position to a series of electronic pulses (see a Microsoft online dictionary at <http://www.computer-dictionary-online.org/index.asp?q=encoder>). Thus, using such known program or device for encoding and sending information would have been obvious to one of ordinary skilled in the art.

10. As to the claim 36, RealPresenter disclosed the feature of receiving information identifying a current characteristic of the live presentation (take questions from audience member during broadcast, broadcast presentation live to up to 15 people, see page 2); and transmitting the information (broadcasting presentation) identifying the current characteristic of the live presentation to a client computer (see pages 2-3).

11. As to the claim 37, RealPresenter disclosed the feature of generating descriptive information corresponding to the live presentation; and adding the descriptive

Art Unit: 2153

information to a database of currently available live presentation (review and edit using the presentation manager, see pages 2 and 4).

12. As to the claim 38, RealPresenter disclosed the feature of the live presentation includes an audio stream and a video stream (see pages 3-5).

13. As to claims 26, 27 and 60, they are similar to claims 22-25, 28, 31-32 and 36-38 above with the additional features of: maintaining a record of user search requests (keeping log (well known feature) of user search request), notifying the corresponding user when a new live presentation (e.g., see notifying audience of upcoming broadcast on page 2) and how the user should be notifying either by an email address, a pager number, a phone number and a cellular phone number (a matter of choices).

14. As to claims 29-30, they are similar to claims 22-25, 28, 31-32 and 36-38 above with the additional features of: adding the information to a database of currently available live presentations and deleting the information from the database when the live presentation has end (edit and re-record broadcast using the presentation manager on page 2).

15. As to claims 33-34, they are similar to claims 22-32 and 36-38 above and therefore they are rejected for the same reason as in claims 22-32 and 36-38.

Art Unit: 2153

16. As to claims 46-54, they are similar to claims 22-32 and 36-38 above with the additional features of: a bus, a processor coupled to the bus; and a memory, coupled to the bus, to store a plurality of instructions that are executed by the processor, a server and URL. Such a server and URL are clearly taught by RealPresenter (e.g., see page 3). For the features of: a bus, a processor coupled to the bus; and a memory, coupled to the bus, to store a plurality of instructions that are executed by the processor (PC on page 3). It would have been obvious to one of ordinary skilled in the art to recognize that such additional features of having a bus coupled to the processor for executing the instructions stored in the memory are well known and they are the basic feature of in any PC (see any computer architecture books which are available in every college book store, see computer dictionary on line for the teaching of those bus, processor and memory at <http://www.computer-dictionary-online.org> ).

17. As to claims 77-92, they are similar to claims 22-32 and 36-38 above and therefore they are rejected for the same reason as in claims 22-32 and 36-38.

18. Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Krisna Lim whose telephone number is (703) 305-9672. The examiner can normally be reached on Monday-Friday from 7:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenton Burgess, can be reached at (703) 305-4772. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [glen.burgess@uspto.gov].

All Internet e-mail communication will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Office Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

kl

May 21, 2004



KRISNA LIM  
PRIMARY EXAMINER